

to combine the parties forming them into one body politic, or political society, under a common Government. This is apparent on the face of the instrument. We, the people of the United States, in order to form a more perfect Union establish justice, ensure domestic tranquility, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America. That such is the general scope of the instrument is not contested by the warmest advocates of the doctrines maintained by the Convention of South Carolina. But the precise object which the parties to a social compact have in view in forming themselves into one political society, is to terminate the relation of mutual independence which previously existed between them. If the contract contained a clause providing that the parties should retain their political independence, it would be self-contradictory; and to interpret a doubtful passage or particular provision in such a way as to attribute to the parties such an intention, would, as the Committee have remarked, involve the same absurdity as to interpret a clause in a marriage contract on the supposition that the parties intended to remain single. It is of the essence of a social compact or Constitution of Government, that the parties to it surrender their absolute political independence, and become members of a society whose will is admitted to be the common law. To declare this will, agreeably to the forms prescribed in the Constitution—in other words, to make and alter the laws as occasion may require, is the office of the Government. No individual or other member of the body politic can possibly as such, exercise the power of making or annulling the laws, for the obvious reason that laws derive their character as such, from being the acts of the Government, and that if an individual, or other member of the body politic, should succeed in giving to his own will the force law, that is, in compelling the society to obey it, he would at the same time cease to be a citizen, and would concentrate in his own hands the Government of the country. In some extreme cases of intolerable oppression, the individual and other members of the body politic are justifiable in forcibly opposing the execution of the law; but even in these cases there is no claim of any constitutional or legal right to repeal or annul it. The claim is to resist, in the exercise of the natural and inalienable right of self defence, the execution of what is admitted at the time to be, in form at least, a law.